

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., AND)
BAYER HEALTHCARE LLC,)
Plaintiffs,)
v.) C.A. NO. 05-349-GMS
BAXTER INTERNATIONAL INC., AND)
BAXTER HEALTHCARE CORPORATION,)
Defendants.)
BAXTER HEALTHCARE CORPORATION,)
Counterclaimant,)
v.)
TALECRIS BIOTHERAPEUTICS, INC., and)
BAYER HEALTHCARE LLC,)
Counterdefendants.)

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2007, upon consideration of Baxter's Motion *in Limine* No. 4 to Prohibit Any Evidence or Argument Regarding Alleged Commercial Success, and Plaintiffs' Opposition thereto, it is hereby ORDERED that Baxter's Motion *in Limine* No. 4 is DENIED.

IT IS SO ORDERED.

Gregory M. Sleet, United States District Judge